

Legislative Fiscal Bureau

Fiscal Note

HF 404 - No Contact Order at Sentencing (LSB 2118 HV.1)
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Fiscal Note Version — HF 404 as Amended and Passed by the House
Requested by Senator Nancy Boettger

Description

House File 404, as amended and passed by the House, authorizes a sentencing court to protect victims of any public offense, their immediate family members, people residing with the victim, and any witnesses to the offense if the court finds that the presence of or contact with the defendant poses a threat to the victim. The no-contact order is available at the time of sentencing. Under HF 404, as amended and passed by the House, a victim filing an affidavit within 90 days before the no-contact order expires may extend the no-contact order. If the court finds the defendant continues to pose a threat, it may grant the extension for an additional five years. The number of modifications extending the no-contact order is not limited. People who violate no-contact orders are subject to summary contempt proceedings.

Assumptions

1. Charge, conviction, and sentencing patterns and trends will not change over the projection period.
2. Prisoner length of stay, revocation rates, and other corrections' practices and policies will not change over the projection period.
3. The law will become effective July 1, 2003. A lag of six months is assumed, from the effective date of the change in the law to the date of first entry of affected offenders into the correctional system.
4. The analysis is based on information obtained from the Justice Data Warehouse, which includes statewide court and Community-Based Corrections (CBC) information. Conviction and penalty information is based on FY 2002 data.
5. There is no readily available data with which to predict the number of no-contact orders that will be issued under HF 404 as amended and passed by the House. In certain cases, no-contact orders may already be in effect.
6. There is no readily available data with which to predict the number of no-contact orders that will be issued under HF 404, as amended and passed by the House, and subsequently violated. Approximately 7.0% of no-contact orders issued for domestic abuse defendants are violated. It may be reasonable to assume a similar violation rate for these cases.
7. The marginal cost per day for county jails ranges from \$15 to \$25 per offender. The average length of stay in jail for violating a no-contact order is 32 days.
8. Court costs per case are approximately \$116. These costs include the time of a District Court Judge, Clerk of Court staff, a court attendant, and a court reporter.
9. The median cost per proceeding for indigent defense summary contempt is \$250.

Correctional Impact

There is no readily available data with which to predict the correctional impact of HF 404 as amended and passed by the House. To the extent no-contact orders that are issued under the Bill are subsequently violated, there will be an impact on county jails. That impact is expected to be minimal.

Fiscal Impact

Due to insufficient information, the fiscal impact of HF 404, as amended and passed by the House, cannot be determined. The State's cost for issuing a no-contact order, and providing counsel for the defendant upon violating the order, is approximately \$366, including the costs of court staff time and indigent defense.

The average county cost for holding one no-contact order violator in jail is approximately \$640. There will be an impact on local law enforcement for enforcing no-contact orders. That cost cannot be determined due to insufficient data.

Sources

Department of Human Rights, Criminal and Juvenile Justice Planning Division
Judicial Branch
State Public Defender's Office

/s/ Dennis C Prouty

March 25, 2003

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.
